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Senate Amendment to
House Amendment to
Senate File 2293

H-8512

1 Amend the amendment, S-5183, to Senate File 2293,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, after line 2 by inserting:
5 <____. Page 2, after line 6 by inserting:
6 <Sec. _____. Section 505.8, Code Supplement 2011, is
7 amended by adding the following new subsection:
8 **NEW SUBSECTION. 6A. The commissioner shall**
9 **establish a bureau, to be known as the "health**
10 **insurance and cost containment bureau", as provided in**
11 **section 505.20.>**
12 _____. Page 2, after line 15 by inserting:
13 <Sec. _____. **NEW SECTION. 505.20 Health insurance**
14 **and cost containment bureau — advisory board.**
15 1. *a.* The commissioner shall establish a
16 bureau, to be known as the "health insurance and cost
17 containment bureau", for the purpose of creating
18 methodologies to hold health carriers accountable
19 for the fair treatment of health care providers and
20 developing affordability standards for health carriers
21 that direct carriers to promote improved accessibility,
22 quality, and affordability of health care.
23 *b.* The commissioner shall employ professional and
24 clerical staff to carry out the purposes and functions
25 of the bureau.
26 *c.* The commissioner shall adopt rules under chapter
27 17A, in collaboration with the health insurance and
28 cost containment advisory board, to administer and
29 implement the purposes and functions of the bureau.
30 2. *a.* A health insurance and cost containment
31 advisory board is created to assist the commissioner
32 in carrying out the purposes of the bureau. The
33 advisory board shall consist of seven voting members
34 and seven nonvoting members. The voting members shall
35 be appointed by the governor, subject to confirmation
36 by the senate. The governor shall designate one voting
37 member as chairperson and one as vice chairperson.
38 *b.* The voting members of the advisory board shall
39 be appointed by the governor as follows:
40 (1) Two persons who represent the interests of
41 small business from nominations made to the governor
42 by nationally recognized groups that represent the
43 interests of small business.
44 (2) Two persons who represent the interests of
45 consumers from nominations made to the governor
46 by nationally recognized groups that represent the
47 interests of consumers.
48 (3) One person who is an insurance producer
49 licensed under chapter 522B.
50 (4) One person who is a health care actuary or

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1 economist with expertise in health insurance.
2 (5) One person who is a health care provider.
3 c. The nonvoting members are as follows:
4 (1) The commissioner of insurance or the
5 commissioner's designee.
6 (2) The director of human services or the
7 director's designee.
8 (3) The director of public health or the director's
9 designee.
10 (4) Four members of the general assembly,
11 one appointed by the speaker of the house of
12 representatives, one appointed by the minority leader
13 of the house of representatives, one appointed by the
14 majority leader of the senate, and one appointed by the
15 minority leader of the senate.
16 d. Meetings of the advisory board shall be held at
17 the call of the chairperson or upon the request of at
18 least two voting members. Four voting members shall
19 constitute a quorum and the affirmative vote of four
20 voting members shall be necessary for any action taken
21 by the advisory board.
22 e. The voting members of the advisory board shall
23 be appointed for staggered terms of three years within
24 sixty days after the effective date of this Act and by
25 December 15 of each year thereafter. The initial terms
26 of the voting members of the advisory board shall be
27 staggered at the discretion of the governor. A voting
28 member of the board is eligible for reappointment. The
29 governor shall fill a vacancy on the board in the same
30 manner as the original appointment for the remainder
31 of the term.
32 f. Voting members of the advisory board may be
33 reimbursed from the moneys collected from assessment
34 fees for the administration of the bureau and the
35 advisory board pursuant to subsection 7, for actual
36 and necessary expenses incurred in the performance of
37 their duties, but shall not be otherwise compensated
38 for their services.
39 g. It shall be the duty of the advisory board to
40 assist the bureau in carrying out the purposes and
41 functions of the bureau by making recommendations for
42 the creation of methodologies that hold health carriers
43 in the state accountable for the fair treatment of
44 health care providers and developing affordability
45 standards for health carriers that direct such carriers
46 to promote improved accessibility, quality, and
47 affordability of health care. The advisory board shall
48 also offer input to the commissioner regarding proposed
49 rules, the operation of the bureau, and any other
50 topics relevant to administering and implementing the

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1 purposes and functions of the bureau.
2 3. a. Health care affordability efforts shall
3 initially focus on the primary care level of care in
4 an effort to create a stronger primary care system and
5 greater supply of more highly compensated primary care
6 providers by targeting more funding to primary care.
7 b. Beginning on December 31, 2013, and each year
8 thereafter, each health carrier shall report to the
9 bureau, in a format and including information as
10 required by the commissioner by rule, the carrier's
11 proportion of medical expense paid for primary care
12 for the previous twelve months and the proportion of
13 medical expense to be allocated to primary care for
14 the succeeding twelve months beginning on January 1,
15 2014, and each year thereafter. The proportion of
16 medical expense paid for primary care shall increase by
17 at least one percentage point per year for five years
18 beginning on January 1, 2014.
19 c. Each health carrier shall submit a plan to
20 the bureau each year in a format and including
21 information as required by the commissioner by rule,
22 that demonstrates how the increase in spending for
23 primary care will be accomplished. The increase in
24 spending for primary care shall be accomplished without
25 contributing to an increase in premiums.
26 4. Each health carrier shall support the
27 implementation of the medical home system as developed
28 and implemented by the department of public health and
29 the medical home system advisory council pursuant to
30 sections 135.157, 135.158, and 135.159, by implementing
31 the phase of the medical home system pursuant to
32 section 135.159, subsection 11, that involves insurers
33 and self-insured companies in making the medical
34 home system available to individuals with private
35 health care coverage. The health insurance and cost
36 containment advisory board shall work collaboratively
37 with the medical home system advisory council to
38 implement this phase. In addition to the reimbursement
39 methodologies and incentives for participation in the
40 medical home system described in section 135.159,
41 subsection 8, the advisory board and the medical
42 home system advisory council shall review additional
43 payment and system reforms to support the expanded
44 implementation of the medical home system including but
45 not limited to all of the following:
46 a. Rewarding high-quality, low-cost providers.
47 b. Creating participant incentives to receive care
48 from high-quality, low-cost providers.
49 c. Fostering collaboration among providers to
50 reduce cost shifting from one part of the health care

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1 continuum to another.

2 *d.* Creating incentives for providing health care in
3 the least restrictive, most appropriate setting.

4 *e.* Creating incentives to promote diversity in
5 the size, geographic location, and accessibility of
6 practices designated as medical homes throughout the
7 state.

8 5. Each health carrier shall demonstrate by
9 December 31, 2013, implementation of incentives
10 consistent with the efforts of the department of public
11 health and the electronic health information advisory
12 council and executive committee pursuant to section
13 135.156 to promote adoption of electronic health
14 records by health care providers at all levels of the
15 health care continuum. Health carriers shall submit a
16 report to the bureau by December 31, 2014, concerning
17 the incentive programs that have been implemented in
18 a format and including information as required by the
19 commissioner by rule.

20 6. Each health carrier shall participate in efforts
21 regarding comprehensive delivery system reform,
22 including payment reform, in coordination with other
23 payers and health care providers.

24 *a.* As an initial step to inform such efforts,
25 the bureau and advisory board shall develop a plan
26 to implement an all-payer claims database by December
27 31, 2013, to provide for the collection and analysis
28 of claims data from multiple payers of health care
29 delivered at all levels including but not limited to
30 primary care, specialist care, outpatient surgery,
31 inpatient stays, laboratory testing, and pharmacy
32 data. The plan shall provide for development and
33 implementation of a database that complies with any
34 applicable requirements of the federal Act and that
35 most effectively and efficiently provides data to
36 determine health care utilization patterns and rates;
37 identify gaps in prevention and health promotion
38 services; evaluate access to care; assist with benefit
39 design and planning; analyze statewide and local health
40 care expenditures by provider, employer, and geography;
41 inform the development of payment systems for
42 providers; and establish clinical guidelines related
43 to quality, safety, and continuity of care. The
44 bureau shall submit the plan to the general assembly
45 by December 31, 2012, including statutory changes
46 necessary to collect and use such data, a standard
47 means of collecting the data, an implementation
48 and maintenance schedule, and a proposed budget and
49 financing options for the database.

50 *b.* The bureau and advisory board shall also

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1 recommend a provider payment system plan to reform the
2 health care provider payment system beyond primary care
3 providers, including but not limited to specialty care,
4 hospital, and long-term care providers, as an effective
5 way to promote coordination of care, lower costs, and
6 improve quality.

7 7. a. Funding to operate the bureau and the
8 advisory board shall come from federal and private
9 grants and from assessment fees charged to health
10 carriers. The commissioner shall charge an assessment
11 fee to all health carriers in this state, as necessary
12 to support the activities and operations of the bureau
13 and the advisory board as provided under this section.
14 No state funding shall be appropriated or allocated for
15 the operation or administration of the bureau or the
16 advisory board. The assessment shall provide for the
17 sharing of bureau and advisory board expenses on an
18 equitable and proportionate basis among health carriers
19 in the state as provided in this subsection.

20 b. Following the close of each calendar year, the
21 commissioner shall determine the expenses for operation
22 and administration of the bureau and the advisory
23 board. The expenses incurred shall be assessed by
24 the commissioner to all health carriers in proportion
25 to their respective shares of total health insurance
26 premiums or payments for subscriber contracts received
27 in Iowa during the second preceding calendar year, or
28 with paid losses in the year, coinciding with or ending
29 during the calendar year or on any other equitable
30 basis as provided by rule. In sharing expenses,
31 the commissioner may abate or defer in any part the
32 assessment of a health carrier, if, in the opinion
33 of the commissioner, payment of the assessment would
34 endanger the ability of the health carrier to fulfill
35 its contractual obligations. The commissioner may also
36 provide for an initial or interim assessment against
37 health carriers if necessary to assure the financial
38 capability of the commissioner to meet the incurred
39 or estimated operating expenses of the bureau and
40 the advisory board until the next calendar year is
41 completed.

42 c. For purposes of this subsection, *"total health*
43 *insurance premiums"* and *"payments for subscriber*
44 *contracts"* include, without limitation, premiums or
45 other amounts paid to or received by a health carrier
46 for individual and group health plan care coverage
47 provided under any chapter of the Code or Acts, and
48 *"paid losses"* includes, without limitation, claims paid
49 by a health carrier operating on a self-funded basis
50 for individual and group health plan care coverage

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1 provided under any chapter of the Code or Acts. For
2 purposes of calculating and conducting the assessment,
3 the commissioner shall have the express authority
4 to require health carriers to report on an annual
5 basis each health carrier's total health insurance
6 premiums and payments for subscriber contracts and
7 paid losses. A health carrier is liable for its share
8 of the assessment calculated in accordance with this
9 subsection regardless of whether it participates in the
10 individual insurance market.

11 8. The commissioner shall keep an accurate
12 accounting of all activities, receipts, and
13 expenditures of the bureau and advisory board and
14 annually submit to the governor, the general assembly,
15 and the public, a report concerning such accounting.

16 9. The bureau and the advisory board shall
17 coordinate their activities with the Iowa Medicaid
18 enterprise of the department of human services,
19 the department of revenue, the department of public
20 health, and the insurance division of the department
21 of commerce to ensure that the state fulfills the
22 requirements of the federal Act and to ensure that
23 in the event that a health insurance exchange is
24 established in the state, the functions and activities
25 of the bureau and the advisory board can be seamlessly
26 integrated into the exchange.

27 10. As used in this section, unless the context
28 otherwise requires:

29 a. "*Advisory board*" means the health insurance and
30 cost containment advisory board.

31 b. "*Bureau*" means the health insurance and cost
32 containment bureau.

33 c. "*Commissioner*" means the commissioner of
34 insurance.

35 d. "*Federal Act*" means the federal Patient
36 Protection and Affordable Care Act, Pub. L. No.
37 111-148, as amended by the federal Health Care and
38 Education Reconciliation Act of 2010, Pub. L. No.
39 111-152, and any amendments thereto, or regulations or
40 guidance issued under those Acts.

41 e. "*Health care provider*" means a physician who is
42 licensed under chapter 148, or a person who is licensed
43 as a physician assistant under chapter 148C or as an
44 advanced registered nurse practitioner.

45 f. "*Health carrier*" means an entity subject to the
46 insurance laws and rules of this state, or subject to
47 the jurisdiction of the commissioner, that contracts
48 or offers to contract to provide, deliver, arrange
49 for, pay for, or reimburse any of the costs of health
50 care services, including an insurance company offering

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1 sickness and accident plans, a health maintenance
2 organization, a nonprofit hospital or health service
3 corporation, or any other entity providing a plan of
4 health insurance, health benefits, or health services.
5 g. (1) "Health insurance" means benefits consisting
6 of health care provided directly, through insurance
7 or reimbursement, or otherwise, and including items
8 and services paid for as health care under a hospital
9 or health service policy or certificate, hospital or
10 health service plan contract, or health maintenance
11 organization contract offered by a carrier.
12 (2) "Health insurance" does not include any of the
13 following:
14 (a) Coverage for accident-only or disability income
15 insurance.
16 (b) Coverage issued as a supplement to liability
17 insurance.
18 (c) Liability insurance, including general
19 liability insurance and automobile liability insurance.
20 (d) Workers' compensation or similar insurance.
21 (e) Automobile medical-payment insurance.
22 (f) Credit-only insurance.
23 (g) Coverage for on-site medical clinic care.
24 (h) Other similar insurance coverage, specified in
25 federal regulations, under which benefits for medical
26 care are secondary or incidental to other insurance
27 coverage or benefits.
28 (3) "Health insurance" does not include benefits
29 provided under a separate policy as follows:
30 (a) Limited scope dental or vision benefits.
31 (b) Benefits for long-term care, nursing home care,
32 home health care, or community-based care.
33 (c) Any other similar limited benefits as provided
34 by rule of the commissioner.
35 (4) "Health insurance" does not include benefits
36 offered as independent noncoordinated benefits as
37 follows:
38 (a) Coverage only for a specified disease or
39 illness.
40 (b) A hospital indemnity or other fixed indemnity
41 insurance.
42 (5) "Health insurance" does not include Medicare
43 supplemental health insurance as defined under section
44 1882(g)(1) of the federal Social Security Act, coverage
45 supplemental to the coverage provided under 10 U.S.C.
46 ch. 55, or similar supplemental coverage provided to
47 coverage under group health insurance coverage.
48 (6) "Group health insurance coverage" means health
49 insurance offered in connection with a group health
50 plan.>>

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1 2. Page 1, after line 4 by inserting:
2 <____. Page 9, after line 5 by inserting:
3 <Sec. _____. NEW SECTION. 513B.16 Premium rate
4 **increases — public hearing and comment.**
5 1. All health insurance carriers licensed to
6 do business in the state under this chapter shall
7 immediately notify the commissioner and policyholders
8 of any proposed rate increase exceeding the average
9 annual health spending growth rate stated in the
10 most recent national health expenditure projection
11 published by the centers for Medicare and Medicaid
12 services of the United States department of health
13 and human services, at least ninety days prior to the
14 effective date of the increase. Such notice shall
15 specify the rate increase proposed that is applicable
16 to each policyholder and shall include ranking and
17 quantification of those factors that are responsible
18 for the amount of the rate increase proposed. The
19 notice shall include information about how the
20 policyholder can contact the consumer advocate for
21 assistance.
22 2. The commissioner shall hold a public hearing at
23 least thirty days before the proposed rate increase is
24 to take effect.
25 3. The consumer advocate shall solicit public
26 comments on each proposed health insurance rate
27 increase if the increase exceeds the average annual
28 health spending growth rate as provided in subsection
29 1, and shall post without delay during the normal
30 business hours of the division, all comments received
31 on the insurance division's internet site prior to the
32 effective date of the increase.
33 4. The consumer advocate shall present the public
34 testimony, if any, and public comments received,
35 for consideration by the commissioner prior to the
36 effective date of the increase.>>
37 3. Page 1, by striking lines 5 and 6 and inserting:
38 <____. Page 15, after line 14 by inserting:>
39 4. Page 8, by striking lines 25 and 26.
40 5. By renumbering as necessary.

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House Resolution 148 - Introduced

HOUSE RESOLUTION NO. 148

BY ARNOLD

1 A Resolution commemorating the 75th anniversary of a
2 sports legend — Melrose High School's winning of
3 the 1937 State Boys' Basketball Championship.

4 WHEREAS, on March 20, 1937, the Melrose High School
5 Boys' Basketball Team won the single-class State Boys'
6 Basketball Championship by defeating Marshalltown High
7 School 35-17; and

8 WHEREAS, with 66 students in the entire high school,
9 Melrose is the smallest school to ever win an Iowa
10 basketball championship; and

11 WHEREAS, the Melrose team was the first team in
12 Iowa to go undefeated throughout an entire basketball
13 season, and its 33-0 record represents the most
14 victories by an Iowa high school boys' basketball
15 team; and

16 WHEREAS, Melrose used an innovative form of zone
17 defense that was hard for other schools to handle; and

18 WHEREAS, the Melrose team became known as the
19 "iron men" after playing two games in the state
20 tournament with no substitutions for the five starting
21 players; and

22 WHEREAS, two players from the team, Walter O'Connor
23 and James Thynne, have been inducted into the Iowa High
24 School Athletic Association Hall of Fame; and

25 WHEREAS, Melrose Coach Adolph Hlubek was inducted
26 into the Iowa High School Athletic Association Hall of
27 Fame in 2012; and

28 WHEREAS, the Melrose team along with the 1933

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1 Dunkerton team and the 1938 Diagonal team have been
2 called the "giant killers" because they were small
3 schools that defeated much larger schools in the
4 single-class tournament to win a state basketball
5 championship; and

6 WHEREAS, even though Melrose High School has closed,
7 its legacy continues to be celebrated at Albia High
8 School, where a 1937 championship banner hangs in the
9 gym; and

10 WHEREAS, over the past 75 years, the members of
11 the Melrose team have inspired people throughout Iowa
12 by demonstrating that the Iowa values of teamwork,
13 determination, perseverance, innovation, and hard work,
14 when coupled with a little luck, can allow people to
15 accomplish great deeds that others thought would be
16 unattainable or impossible; NOW THEREFORE,

17 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
18 That the House of Representatives congratulates the
19 1937 Melrose High School Boys' Basketball Team on
20 the 75th anniversary of its state championship and
21 encourages all Iowans to follow its example in striving
22 to accomplish goals that seem impossible.

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House File 2465

S-5238

- 1 Amend the amendment, S-5236, to House File 2465,
- 2 as amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 2, by striking lines 2 through 8.
- 5 2. By renumbering as necessary.

BILL DIX



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House File 2465

S-5239

1 Amend the amendment, S-5236, to House File 2465,
2 as amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 11, after line 34 by inserting:
5 <Sec. _____. Section 598.41, subsection 3, Code 2011,
6 is amended by adding the following new paragraph:
7 NEW PARAGRAPH. k. Whether a parent has allowed a
8 person custody or control of, or unsupervised access
9 to a child after knowing the person is required to
10 register or is on the sex offender registry as a sex
11 offender under chapter 692A.>
12 2. By renumbering as necessary.

JACK WHITVER

WILLIAM DOTZLER



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House File 2465

S-5240

1 Amend the amendment, S-5236, to House File 2465,
2 as amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 2, by striking lines 2 through 8.
5 2. Page 2, after line 10 by inserting:
6 <Sec. _____. FEDERAL CONSENT DECREE EXPENDITURES —
7 REPORTING.
8 1. The office of the attorney general is authorized
9 to make expenditures of moneys received pursuant to
10 the joint state federal mortgage servicing settlement
11 consent decree signed in federal court on April 5,
12 2012. Expenditures shall be consistent with the terms
13 of the consent decree.
14 2. The office of the attorney general shall
15 submit a report to the general assembly detailing the
16 expenditure of moneys for the previous calendar year
17 and how the expenditures related to the implementation,
18 monitoring, or enforcement of the settlement and how
19 expenditures in the current and succeeding calendar
20 year will be used for implementation, monitoring, or
21 enforcement of the settlement. The initial report
22 shall be submitted on or before January 15, 2013.>
23 3. Page 3, after line 2 by inserting:
24 <Sec. _____. HOMESTEAD CREDIT FUND — APPROPRIATION.
25 1. There is appropriated from the taxpayers trust
26 fund created in section 8.57E to the department of
27 revenue for the fiscal year beginning July 1, 2012, and
28 ending June 30, 2013, the following amount, or so much
29 thereof as is necessary, to be used for the purposes
30 designated:
31 For deposit in the homestead credit fund created in
32 section 425.1:
33 \$ 48,811,613
34 2. The appropriation made in this section is in
35 lieu of an equal amount of the appropriation made
36 from the general fund of the state for the fiscal
37 year beginning July 1, 2012, and ending June 30,
38 2013, pursuant to section 425.1, and shall be used for
39 reimbursement for the homestead property tax.
40 Sec. _____. AGRICULTURAL LAND CREDIT FUND —
41 APPROPRIATION.
42 1. There is appropriated from the taxpayers trust
43 fund created in section 8.57E to the department of
44 revenue for the fiscal year beginning July 1, 2012, and
45 ending June 30, 2013, the following amount, or so much
46 thereof as is necessary, to be used for the purposes
47 designated:
48 For deposit in the agricultural land credit fund
49 created in section 426.1:
50 \$ 6,704,869

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1 2. The appropriation made in this section is in
2 lieu of an equal amount of the appropriation made
3 from the general fund of the state for the fiscal
4 year beginning July 1, 2012, and ending June 30,
5 2013, pursuant to section 426.1, and shall be used for
6 reimbursement for the family farm and agricultural land
7 tax credits under sections 425A.1 and 426.1.>
8 4. Page 3, before line 3 by inserting:
9 <Sec. _____. KEEP IOWA BEAUTIFUL FUND —
10 APPROPRIATION. There is appropriated from the general
11 fund of the state to the department of transportation
12 each fiscal year for the fiscal years beginning July
13 1, 2012, July 1, 2013, and July 1, 2014, an amount
14 equal to the excess revenues transferred from the
15 lottery fund to the general fund after the first
16 \$64,900,000 is transferred during a fiscal year. The
17 amount appropriated in a fiscal year shall not exceed
18 \$1,000,000. Moneys appropriated pursuant to this
19 section shall be deposited in the keep Iowa beautiful
20 fund created in section 314.28.>
21 5. Page 3, after line 2 by inserting:
22 <Sec. _____. PLUMBERS — LICENSE EXTENSIONS. Until
23 January 1, 2013, the plumbing and mechanical systems
24 board shall grant a one-time renewal of an expired
25 license if the person holding the expired license
26 demonstrates successful passage of a municipal or block
27 examination. For any licensee receiving a renewal
28 under this section, the board shall clearly state in
29 any correspondence for succeeding license renewals that
30 the provisions of Code section 105.20 shall apply.>
31 6. By striking page 3, line 42, through page 4,
32 line 2.
33 7. Page 4, after line 4 by inserting:
34 <Sec. _____. Section 16.27, subsection 6, Code 2011,
35 is amended to read as follows:
36 6. The authority shall cause to be delivered to
37 the legislative fiscal committee within ninety days
38 of the close of its fiscal year its annual report
39 certified by an independent certified public accountant
40 (who may be the accountant or a member of the firm
41 of accountants who regularly audits the books and
42 accounts of the authority) selected by the authority.
43 ~~In the event that the principal amount of any bonds or~~
44 ~~notes deposited in a bond reserve fund is withdrawn~~
45 ~~for payment of principal or interest thereby reducing~~
46 ~~the amount of that fund to less than the bond reserve~~
47 ~~fund requirement, the authority shall immediately~~
48 ~~notify the general assembly of this event and shall~~
49 ~~thereafter take steps to restore such bond reserve to~~
50 ~~the bond reserve fund requirement for that fund from~~

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1 ~~any amounts available, other than principal of a bond~~
2 ~~issue, which are not pledged to the payment of other~~
3 ~~bonds or notes.>~~
4 8. Page 9, by striking lines 5 through 24.
5 9. Page 9, after line 36 by inserting:
6 <Sec. _____. Section 403.19, subsection 2, paragraph
7 b, subparagraph (2), subparagraph division (a), if
8 enacted by 2012 Iowa Acts, House File 2460, is amended
9 to read as follows:
10 (a) All or a portion of the taxes for the
11 instructional support program levy of a school
12 district shall be paid by the school district to the
13 municipality if the auditor, pursuant to subsection 11,
14 certifies to the school district by July 1 the amount
15 of such levy that is necessary to pay the principal and
16 interest on bonds issued or other indebtedness incurred
17 by the municipality to finance an urban renewal project
18 if such bonds or indebtedness were issued or incurred
19 on or before April 24, 2012. Indebtedness incurred
20 after April 24, 2012, to refund bonds issued or other
21 indebtedness incurred on or before April 24, 2012, may
22 be included in the certification. Such school district
23 shall pay over the amount certified by November 1 and
24 May 1 of the fiscal year following certification to the
25 school district. The authority of a municipality to
26 pay the amounts of principal and interest on such bonds
27 issued or other indebtedness incurred on or before
28 April 24, 2012, from sources other than the portion of
29 taxes described in subsection 2, paragraph "a", shall
30 not exclude such amounts of principal and interest from
31 being deemed necessary for payment from the portion of
32 taxes described in subsection 2, paragraph "a".>
33 10. Page 10, by striking lines 9 and 10 and
34 inserting <income taxes directly to the individual.
35 The amount>
36 11. Page 10, line 23, by striking <projects> and
37 inserting <tax credits reserved for a fiscal year>
38 12. Page 12, by striking lines 20 and 21.
39 13. Page 12, after line 35 by inserting:
40 <_____. The section of this division of this Act
41 authorizing expenditures by the attorney general's
42 office.>
43 14. Page 23, after line 6 by inserting:
44 <Sec. _____. LABOR MANAGEMENT COUNCILS.
45 1. There is appropriated from the general fund of
46 the state to the department of workforce development
47 for the fiscal year beginning July 1, 2011, and ending
48 June 30, 2012, the following amounts, or so much
49 thereof as is necessary, to be used for the purposes
50 designated:

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tm/jp

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1 a. For support of a labor management council that
2 has been in existence for at least 20 years and is
3 located in a county with a population of more than
4 93,650 and less than 93,700:
5 \$ 23,000
6 b. For support of a labor management council that
7 has been in existence for at least 20 years and is
8 located in a county with a population of more than
9 165,200 and less than 165,250:
10 \$ 15,000
11 2. Notwithstanding section 8.33, moneys
12 appropriated in this section that remain unencumbered
13 or unobligated at the close of the fiscal year shall
14 not revert but shall remain available for expenditure
15 for the purposes designated until the close of the
16 succeeding fiscal year.>
17 15. Page 26, after line 46 by inserting:
18 <y. One member who is an employee of the state
19 department of transportation serving in a law
20 enforcement capacity appointed by the director of
21 transportation.>
22 16. Page 30, by striking lines 29 and 30 and
23 inserting <with the local assessor by February>
24 17. Page 30, line 35, after <years> by inserting <,
25 in which case the exemption is allowed for the total
26 number of years in the exemption schedule>
27 18. By renumbering as necessary.

ROBERT E. DVORSKY



Iowa General Assembly
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House File 2465

S-5241

1 Amend the amendment, S-5236, to House File 2465,
2 as amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 54, after line 23 by inserting:
5 <DIVISION
6 AUTOMATED TRAFFIC LAW ENFORCEMENT SYSTEMS
7 Sec. _____. Section 321.1, Code Supplement 2011, is
8 amended by adding the following new subsection:
9 NEW SUBSECTION. 95. "*Automated traffic law*
10 *enforcement system*" means a device with one or more
11 sensors working in conjunction with one of the
12 following:
13 a. An official traffic-control signal, to produce
14 recorded images of motor vehicles entering an
15 intersection against a steady circular red light.
16 b. A speed measuring device, to produce recorded
17 images of motor vehicles traveling at a prohibited rate
18 of speed.
19 c. A railroad grade crossing signal light, as
20 described in section 321.342, to produce images of
21 vehicles violating the signal light.
22 d. Any official traffic-control device, if failure
23 to comply with the official traffic-control device
24 constitutes a violation under this chapter.
25 Sec. _____. NEW SECTION. 321.5A Automated traffic
26 law enforcement systems prohibited.
27 The department or a local authority shall not place
28 or cause to be placed on or adjacent to a highway, or
29 maintain or employ the use of, an automated traffic law
30 enforcement system for the enforcement of any provision
31 of this chapter or any local ordinance relating to
32 motor vehicles.
33 Sec. _____. REMOVAL OF AUTOMATED TRAFFIC LAW
34 ENFORCEMENT SYSTEMS — VALIDITY OF PRIOR NOTICES
35 AND CITATIONS. On or before July 1, 2012, a local
36 authority using an automated traffic law enforcement
37 system shall discontinue using the system and remove
38 the system equipment. Effective July 1, 2012, all
39 local ordinances authorizing the use of an automated
40 traffic law enforcement system are void. However,
41 notices of violations mailed or citations issued
42 pursuant to such an ordinance prior to July 1, 2012,
43 shall not be invalidated by the enactment of this
44 division of this Act and shall be processed according
45 to the provisions of the law under which they were
46 authorized.
47 Sec. _____. EFFECTIVE UPON ENACTMENT. The section
48 of this division of this Act relating to the removal
49 of automated traffic law enforcement systems and the
50 validity of prior notices and citations, being deemed

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1 of immediate importance, takes effect upon enactment.>>
2 2. By renumbering as necessary.

BRAD ZAUN

JAMES F. HAHN

MARK CHELGREN

KENT SORENSON

SANDRA H. GREINER

PAT WARD

JACK WHITVER

JAMES A. SEYMOUR

ROBERT BACON

NANCY J. BOETTGER

DAVID JOHNSON

JERRY BEHN



Iowa General Assembly
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House File 2465

S-5242

- 1 Amend the amendment, S-5236, to House File 2465,
2 as amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 10, after line 2 by inserting:
5 <Sec. _____. Section 421.60, subsection 2, paragraph
6 i, Code Supplement 2011, is amended to read as follows:
7 i. (1) The director may, at any time, abate any
8 unpaid portion of assessed tax, interest, or penalties
9 which the director determines is erroneous, illegal,
10 or excessive.
11 (2) The director may, at any time, abate any
12 unpaid portion of assessed interest upon a showing of
13 substantial evidence by the taxpayer of any of the
14 following conditions:
15 (a) The assessment of interest was due to
16 unreasonable delay by the department.
17 (b) The assessment of interest was due to an
18 erroneous refund that was not in any way caused by the
19 taxpayer.
20 (c) The assessment of interest was due to
21 applicable, documented, written advice from the
22 department that was relied upon by the taxpayer,
23 which advice was provided specifically to the taxpayer
24 pursuant to a written request from the taxpayer,
25 and which advice has not been superseded by a court
26 decision, ruling by a quasi-judicial body, or the
27 adoption, amendment, or repeal of a rule of law.
28 (d) The assessment of interest was due to
29 applicable, documented, written advice or position
30 by the department or another state agency that was
31 reasonably relied upon by the taxpayer, which advice or
32 position has not been superseded by a court decision,
33 ruling by a quasi-judicial body, or the adoption,
34 amendment, or repeal of a rule of law.
35 (3) The director shall prepare quarterly reports
36 summarizing each case in which abatement of tax,
37 interest, or penalties was made. However, the report
38 shall not disclose the identity of the taxpayer.>
39 2. By renumbering as necessary.

BRAD ZAUN

JAMES A. SEYMOUR

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House File 2465

S-5243

1 Amend the amendment, S-5236, to House File 2465,
2 as amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 6, after line 37 by inserting:
5 <Sec. _____. Section 123.49, subsection 2, paragraph
6 d, Code Supplement 2011, is amended to read as follows:
7 d. (1) Keep on premises covered by a liquor
8 control license any alcoholic liquor in any container
9 except the original package purchased from the
10 division, and except mixed drinks or cocktails mixed on
11 the premises for immediate consumption on the licensed
12 premises or as otherwise provided by this paragraph
13 "d". This prohibition does not apply to common
14 carriers holding a class "D" liquor control license.
15 (2) Mixed drinks or cocktails mixed on the premises
16 that are not for immediate consumption may be consumed
17 on the licensed premises subject to the requirements
18 of this subparagraph pursuant to rules adopted by the
19 division. The rules shall provide that the mixed
20 drinks or cocktails be stored, for no longer than
21 seventy-two hours, in a labeled container in a quantity
22 that does not exceed three gallons. The rules shall
23 also provide that added flavors and other nonbeverage
24 ingredients included in the mixed drinks or cocktails
25 shall not include hallucinogenic substances or added
26 caffeine or other added stimulants including but not
27 limited to guarana, ginseng, and taurine. In addition,
28 the rules shall require that the licensee keep records
29 as to when the contents in a particular container were
30 mixed and the recipe used for that mixture.>
31 2. By renumbering as necessary.

RICK BERTRAND

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House File 2465

S-5244

1 Amend the amendment, S-5236, to House File 2465,
2 as amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 10, after line 29 by inserting:
5 <Sec. _____. Section 423.3, subsection 78, paragraph
6 c, Code Supplement 2011, is amended to read as follows:
7 c. This exemption does not apply to the sales price
8 from games of skill, games of chance, raffles, and
9 bingo games as defined in chapter 99B. However, this
10 exemption does apply to the sales price from raffles
11 as defined in chapter 99B conducted by a qualified
12 organization representing veterans that is exempt from
13 federal income tax under section 501(c)(19) of the
14 Internal Revenue Code if the profits from the sales
15 price are used for educational purposes to include
16 providing scholarships.
17 d. This exemption is disallowed on the amount of
18 the sales price only to the extent the profits from the
19 sales, rental, or services are not used by or donated
20 to the appropriate entity and expended for educational,
21 religious, or charitable purposes.>>
22 2. By renumbering as necessary.

TIM KAPUCIAN

ROBERT BACON

NANCY J. BOETTGER

JAMES A. SEYMOUR

SANDRA H. GREINER

MARK CHELGREN

KENT SORENSON

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RICK BERTRAND

JAMES F. HAHN

JONI ERNST

BILL ANDERSON



Iowa General Assembly
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House File 2465

S-5245

- 1 Amend the amendment, S-5236, to House File 2465,
2 as amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 9, after line 24 by inserting:
5 <Sec. _____. NEW SECTION. 306D.5 Scenic byway
6 designation — limitation within cities.
7 Any portion of an interstate highway designated as a
8 scenic byway which is located within the incorporated
9 area of a city shall not be designated as part of
10 the scenic byway, except when such route within the
11 incorporated area possesses intrinsic scenic, historic,
12 recreational, cultural, or archeological features which
13 support designation of the route as a scenic byway, as
14 determined by the governing body of the city.>
15 2. By renumbering as necessary.

RICK BERTRAND

BILL ANDERSON



Iowa General Assembly
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House File 2465

S-5246

1 Amend the amendment, S-5236, to House File 2465,
2 as amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 9, after line 30 by inserting:
5 <Sec. _____. Section 321.105A, subsection 2,
6 paragraph c, Code Supplement 2011, is amended by adding
7 the following new subparagraph:
8 NEW SUBPARAGRAPH. (31) Motor vehicles subject to
9 registration which are held for sale by a motor vehicle
10 dealer in this state, subject to all of the following:
11 (a) The motor vehicles were new motor vehicles
12 at the time they were acquired by the motor vehicle
13 dealer.
14 (b) The motor vehicle dealer had a franchise
15 agreement with the manufacturer of the motor vehicles
16 at the time the motor vehicle dealer acquired the new
17 motor vehicles.
18 (c) After the motor vehicle dealer acquired the new
19 motor vehicles, the manufacturer of the motor vehicles
20 ceased to hold a valid manufacturer's license pursuant
21 to section 322.27 or discontinued the brand of motor
22 vehicles.
23 (d) Not more than one year has elapsed from
24 the time the manufacturer ceased to hold a valid
25 manufacturer's license pursuant to section 322.27 or
26 discontinued the brand of motor vehicles.>
27 2. Page 12, after line 24 by inserting:
28 <_____. The section of this division of this Act
29 enacting section 321.105A, subsection 2, paragraph c,
30 subparagraph (31).>
31 3. By renumbering as necessary.

ROBERT BACON

TIM KAPUCIAN

MARK CHELGREN

SANDRA H. GREINER

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PAT WARD

MERLIN BARTZ

NANCY J. BOETTGER

KENT SORENSON

JACK WHITVER

JAMES A. SEYMOUR

JONI ERNST

BILL ANDERSON

JAMES F. HAHN

ROBY SMITH

JERRY BEHN

DAVID JOHNSON



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House File 2465

S-5247

1 Amend the amendment, S-5236, to House File 2465,
2 as amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 3, after line 41 by inserting:
5 <Sec. _____. 2012 Iowa Acts, Senate File 2289,
6 as enacted, is amended by adding the following new
7 section:
8 Sec. _____. EFFECTIVE UPON ENACTMENT. This Act,
9 being deemed of immediate importance, takes effect upon
10 enactment.>
11 2. Page 12, after line 27 by inserting:
12 <_____. The section of this division of this Act
13 amending 2012 Iowa Acts, Senate File 2289.>
14 3. Page 12, after line 45 by inserting:
15 <Sec. _____. RETROACTIVE APPLICABILITY. The
16 following provision or provisions of this division of
17 this Act apply retroactively to April 12, 2012:
18 1. The section of this division of this Act
19 amending 2012 Iowa Acts, Senate File 2289.>
20 4. By renumbering as necessary.

JONI ERNST

BILL ANDERSON

STEVE KETTERING

JAMES F. HAHN

RICK BERTRAND

KENT SORENSON

ROBY SMITH



Iowa General Assembly
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SANDRA H. GREINER

PAT WARD

JAMES A. SEYMOUR

DAVID JOHNSON

BRAD ZAUN



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House File 2465

S-5248

1 Amend the amendment, S-5236, to House File 2465,
2 as amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 54, after line 23 by inserting:

5 <DIVISION
6 DRIVER EDUCATION

7 Sec. ____ . NEW SECTION. 321.178A Driver education
8 — teaching parent.

9 1. *Teaching parent*. As an alternative to the
10 driver education requirements under section 321.178,
11 a teaching parent may instruct a student in a driver
12 education course that meets the requirements of this
13 section and provide evidence that the requirements
14 under this section have been met.

15 2. *Definitions*. For purposes of this section:

16 a. *Approved course* means driver education
17 curriculum approved by the department pursuant to rules
18 adopted under chapter 17A. An approved course shall,
19 at a minimum, meet the requirements of subsection 3
20 and be appropriate for teaching-parent-directed driver
21 education and related street or highway instruction.
22 Driver education materials that meet or exceed
23 standards established by the department for an approved
24 course in driver education for a public or private
25 school shall be approved unless otherwise determined by
26 the department. The list of approved courses shall be
27 posted on the department's internet site.

28 b. *Student* means a person between the ages of
29 fourteen and twenty-one years who is within the custody
30 and control of the teaching parent and who satisfies
31 preliminary licensing requirements of the department.

32 c. *Teaching parent* means a parent, guardian,
33 or legal custodian of a student who is currently
34 providing competent private instruction to the student
35 pursuant to section 299A.2 or 299A.3 and who provided
36 such instruction to the student during the previous
37 year; who has a valid driver's license, other than a
38 motorized bicycle license or a temporary restricted
39 license, that permits unaccompanied driving; and who
40 has maintained a clear driving record for the previous
41 two years. For purposes of this paragraph, *clear*
42 *driving record* means the individual has not been
43 identified as a candidate for suspension of a driver's
44 license under the habitual offender provisions of the
45 department's regulations; is not subject to a driver's
46 license suspension, revocation, denial, cancellation,
47 disqualification, or bar; and has no record of a
48 conviction for a moving traffic violation determined to
49 be the cause of a motor vehicle accident.

50 3. *Course of instruction*.

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1 *a.* An approved course administered by a teaching
2 parent shall consist of but not be limited to the
3 following:
4 (1) Thirty clock hours of classroom instruction.
5 (2) Forty hours of street or highway driving
6 including four hours of driving after sunset and before
7 sunrise while accompanied by the teaching parent.
8 (3) Four hours of classroom instruction concerning
9 substance abuse.
10 (4) A minimum of twenty minutes of instruction
11 concerning railroad crossing safety.
12 (5) Instruction relating to becoming an organ
13 donor under the revised uniform anatomical gift Act as
14 provided in chapter 142C.
15 (6) Instruction providing an awareness about
16 sharing the road with bicycles and motorcycles.
17 *b.* The content of the course of instruction
18 required under this subsection shall be equivalent
19 to that required under section 321.178. However,
20 reference and study materials, physical classroom
21 requirements, and extra vehicle safety equipment
22 required for instruction under section 321.178 shall
23 not be required for the course of instruction provided
24 under this section.
25 4. *Course completion and certification.* Upon
26 application by a student for an intermediate license,
27 the teaching parent shall provide evidence showing
28 the student's completion of an approved course and
29 substantial compliance with the requirements of
30 subsection 3 by affidavit signed by the teaching
31 parent on a form to be provided by the department. The
32 evidence shall include all of the following:
33 *a.* Documentation that the instructor is a teaching
34 parent as defined in subsection 2.
35 *b.* Documentation that the student is receiving
36 competent private instruction under section 299A.2
37 or the name of the school district within which the
38 student is receiving instruction under section 299A.3.
39 *c.* The name of the approved course completed by the
40 student.
41 *d.* An affidavit attesting to satisfactory
42 completion of course work and street or highway driving
43 instruction.
44 *e.* Copies of written tests completed by the
45 student.
46 *f.* A statement of the number of classroom hours of
47 instruction provided to the student.
48 *g.* A log of completed street or highway driving
49 instruction including the dates when the lessons were
50 conducted, the student's and the teaching parent's name

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1 and initials noted next to each entry, notes on driving
2 activities including a list of driving deficiencies and
3 improvements, and the duration of the driving time for
4 each session.

5 5. *Intermediate license.* Any student who
6 successfully completes an approved course as
7 provided in this section, passes a driving test to
8 be administered by the department, and is otherwise
9 qualified under section 321.180B, subsection 2, shall
10 be eligible for an intermediate license pursuant
11 to section 321.180B. Twenty of the forty hours of
12 street or highway driving instruction required under
13 subsection 3, paragraph "a", subparagraph (2), may
14 be utilized to satisfy the requirement of section
15 321.180B, subsection 2.

16 6. *Full license.* A student must comply with
17 section 321.180B, subsection 4, to be eligible for a
18 full driver's license pursuant to section 321.180B.

19 Sec. _____. Section 321.180B, subsection 2, paragraph
20 a, Code Supplement 2011, is amended to read as follows:

21 a. The department may issue an intermediate
22 driver's license to a person sixteen or seventeen years
23 of age who possesses an instruction permit issued
24 under subsection 1 or a comparable instruction permit
25 issued by another state for a minimum of six months
26 immediately preceding application, and who presents an
27 affidavit signed by a parent, guardian, or custodian
28 on a form to be provided by the department that the
29 permittee has accumulated a total of twenty hours of
30 street or highway driving of which two hours were
31 conducted after sunset and before sunrise and the
32 street or highway driving was with the permittee's
33 parent, guardian, custodian, instructor, a person
34 certified by the department, or a person at least
35 twenty-five years of age who had written permission
36 from a parent, guardian, or custodian to accompany
37 the permittee, and whose driving privileges have not
38 been suspended, revoked, or barred under this chapter
39 or chapter 321J during, and who has been accident
40 and violation free continuously for, the six-month
41 period immediately preceding the application for an
42 intermediate license. An applicant for an intermediate
43 license must meet the requirements of section
44 321.186, including satisfactory completion of driver
45 education as required in section 321.178 or 321.178A,
46 and payment of the required license fee before an
47 intermediate license will be issued. A person issued
48 an intermediate license must limit the number of
49 passengers in the motor vehicle when the intermediate
50 licensee is operating the motor vehicle to the number

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- 1 of passenger safety belts.>>
2 2. By renumbering as necessary.

NANCY J. BOETTGER

ROBERT BACON

TIM KAPUCIAN

MARK CHELGREN

ROBY SMITH

SANDRA H. GREINER

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RICK BERTRAND

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House File 2465

S-5249

1 Amend the amendment, S-5236, to House File 2465,
2 as amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 54, after line 23 by inserting:

5 <DIVISION _____
6 SCHOOL START DATE

7 Sec. _____. Section 257.17, Code 2011, is amended to
8 read as follows:

9 **257.17 Aid reduction for early school starts.**

10 State aid payments made pursuant to section
11 257.16 for a fiscal year shall be reduced by one
12 one-hundred-eightieth for each day of that fiscal year
13 for which the school district begins school before the
14 earliest starting date specified in section 279.10,
15 subsection 1. However, this section does not apply
16 to a school district that has received approval from
17 the ~~director of the~~ department of education ~~under~~
18 for a pilot program for an innovative school year in
19 accordance with section 279.10, subsection 4 3, or to
20 commence classes for regularly established elementary
21 and secondary schools in advance of the starting
22 earliest start date established in section 279.10,
23 subsection 1.

24 Sec. _____. Section 279.10, subsections 1 and 2, Code
25 2011, are amended to read as follows:

26 1. The school year shall begin on the first day
27 of July and each regularly established elementary
28 and secondary school shall begin no sooner than a day
29 ~~during the calendar week in which the first day fourth~~
30 ~~Monday of September falls August~~, but no later than the
31 ~~first Monday in December. However, if the first day~~
32 ~~of September falls on a Sunday, school may begin on a~~
33 ~~day during the calendar week which immediately precedes~~
34 ~~the first day of September, unless the school district~~
35 ~~has received approval from the department of education~~
36 ~~for a pilot program for an innovative school year in~~
37 accordance with subsection 3. The earliest start date
38 specified in this section shall not apply to a school
39 district that maintains a year around three-semester
40 school year. School shall continue for at least one
41 hundred eighty days, except as provided in subsection
42 3, and may be maintained during the entire calendar
43 year. However, if the board of directors of a district
44 extends the school calendar because inclement weather
45 caused the district to temporarily close school during
46 the regular school calendar, the district may excuse
47 a graduating senior who has met district or school
48 requirements for graduation from attendance during the
49 extended school calendar. A school corporation may
50 begin employment of personnel for in-service training

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1 and development purposes before the date to begin
2 elementary and secondary school.
3 2. The board of directors shall hold a public
4 hearing on any proposal for a pilot program for an
5 innovative school year prior to submitting it such a
6 request to the department of education for approval
7 pursuant to subsection 3.
8 Sec. _____. Section 279.10, subsection 4, Code 2011,
9 is amended by striking the subsection.
10 Sec. _____. EFFECTIVE DATE. This division of this
11 Act takes effect July 1, 2013.
12 Sec. _____. APPLICABILITY. This division of this Act
13 is applicable to school years beginning on or after
14 July 1, 2013.>
15 2. By renumbering as necessary.

DAVID JOHNSON

TIM KAPUCIAN

WILLIAM DOTZLER

DICK L. DEARDEN



Iowa General Assembly
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House File 2465

S-5250

- 1 Amend the amendment, S-5236, to House File 2465,
2 as amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 10, after line 29 by inserting:
5 <Sec. _____. Section 423.3, Code Supplement 2011, is
6 amended by adding the following new subsection:
7 NEW SUBSECTION. 96. The sales price for the use of
8 a self-pay washer or dryer.>
9 2. By renumbering as necessary.

DAVID JOHNSON



Iowa General Assembly
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House File 2465

S-5251

1 Amend the amendment, S-5236, to House File 2465,
2 as amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 7, after line 9 by inserting:
5 <Sec. _____. NEW SECTION. 256G.5 Continued operation
6 and maintenance.
7 The board of regents and the university of northern
8 Iowa shall operate, maintain, staff, and fund the
9 research and development school known as the Malcolm
10 Price laboratory school located on the campus of the
11 university of northern Iowa in accordance with this
12 chapter through July 1, 2013, unless otherwise extended
13 by statute.>
14 2. By renumbering as necessary.

JEFF DANIELSON



Iowa General Assembly
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House File 2465

S-5252

1 Amend the amendment, S-5236, to House File 2465,
2 as amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 54, after line 23 by inserting:

5 <DIVISION _____
6 USE OF FORCE

7 Sec. _____. Section 704.1, Code 2011, is amended to
8 read as follows:

9 704.1 Reasonable force.

10 1. "*Reasonable force*" is means that force and no
11 more which a reasonable person, in like circumstances,
12 would judge to be necessary to prevent an injury or
13 loss and can include deadly force if it is reasonable
14 to believe that such force is necessary to avoid injury
15 or risk to one's life or safety or the life or safety
16 of another, or it is reasonable to believe that such
17 force is necessary to resist a like force or threat.

18 2. Reasonable force, including deadly force, may
19 be used even if an alternative course of action is
20 available if the alternative entails a risk to life
21 or safety, or the life or safety of a third party, ~~or~~
22 ~~requires one to abandon or retreat from one's dwelling~~
23 ~~or place of business or employment.~~

24 3. A person may be wrong in the estimation of the
25 danger or the force necessary to repel the danger as
26 long as there is a reasonable basis for the belief
27 of the person and the person acts reasonably in the
28 response to that belief.

29 4. A person who is not engaged in illegal activity
30 has no duty to retreat from any place where the person
31 is lawfully present before using force as specified in
32 this chapter. A finder of fact shall not be permitted
33 to consider the possibility of retreat as a factor in
34 determining whether or not a person who used force
35 reasonably believed that the force was necessary to
36 prevent injury, loss, or risk to life or safety.

37 Sec. _____. Section 704.2, Code 2011, is amended by
38 adding the following new unnumbered paragraph:

39 NEW UNNUMBERED PARAGRAPH. A threat to cause serious
40 injury or death, by the production, display, or
41 brandishing of a deadly weapon, is not deadly force,
42 as long as the actions of the person are limited to
43 creating an expectation that the person may use deadly
44 force to defend oneself, another, or as otherwise
45 authorized by law.

46 Sec. _____. NEW SECTION. 704.2A Justifiable use of
47 deadly force.

48 1. For purposes of this chapter, a person is
49 presumed to reasonably believe that deadly force is
50 necessary to avoid injury or risk to one's life or

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1 safety or the life or safety of another in either of
2 the following circumstances:

3 a. The person against whom force is used, at the
4 time the force is used, is doing any of the following:

5 (1) Unlawfully entering by force or stealth, or
6 has unlawfully entered by force or stealth and remains
7 within the dwelling, place of business or employment,
8 or occupied vehicle of the person using force.

9 (2) Unlawfully removing or is attempting to
10 unlawfully remove another person against the other
11 person's will from the dwelling, place of business or
12 employment, or occupied vehicle of the person using
13 force.

14 b. The person using force knows or has reason
15 to believe that any of the conditions set forth in
16 paragraph "a" are occurring or have occurred.

17 2. The presumption set forth in subsection 1 does
18 not apply if, at the time force is used, any of the
19 following circumstances are present:

20 a. The person using defensive force is engaged
21 in a criminal offense, is attempting to escape from
22 the scene of a criminal offense that the person has
23 committed, or is using the dwelling, place of business
24 or employment, or occupied vehicle to further a
25 criminal offense.

26 b. The person sought to be removed is a child or
27 grandchild or is otherwise in the lawful custody or
28 under the lawful guardianship of the person against
29 whom force is used.

30 c. The person against whom force is used is a
31 peace officer who has entered or is attempting to
32 enter a dwelling, place of business or employment, or
33 occupied vehicle in the lawful performance of the peace
34 officer's official duties, and the person using force
35 knows or reasonably should know that the person who has
36 entered or is attempting to enter is a peace officer.

37 d. The person against whom the force is used has
38 the right to be in, or is a lawful resident of, the
39 dwelling, place of business or employment, or occupied
40 vehicle of the person using force, and a protective or
41 no-contact order is not in effect against the person
42 against whom the force is used.

43 Sec. _____. Section 704.3, Code 2011, is amended to
44 read as follows:

45 **704.3 Defense of self or another.**

46 A person is justified in the use of reasonable force
47 when the person reasonably believes that such force is
48 necessary to defend oneself or another from any actual
49 or imminent use of unlawful force.

50 Sec. _____. **NEW SECTION. 704.4A Immunity for**

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1 justifiable use of force.

2 1. As used in this section, "*criminal prosecution*"
3 means arrest, detention, charging, or prosecution.

4 2. A person who uses reasonable force pursuant
5 to this chapter shall be immune from any criminal
6 prosecution or civil action for using such force.

7 3. A law enforcement agency may use standard
8 investigating procedures for investigating the use of
9 force, but the law enforcement agency shall not arrest
10 a person for using force unless the law enforcement
11 agency determines there is probable cause that the
12 force was unlawful under this chapter.

13 4. The court shall award reasonable attorney fees,
14 court costs, compensation for loss of income, and all
15 expenses incurred by the defendant in defense of any
16 civil action brought by the plaintiff if the court
17 finds that the defendant is immune from prosecution as
18 provided in subsection 2.

19 Sec. _____. Section 704.7, Code 2011, is amended to
20 read as follows:

21 **704.7 Resisting forcible violent felony.**

22 1. As used in this section, "*violent felony*" means
23 any felonious sexual abuse involving compulsion or
24 the use of a weapon or any felonious assault, murder,
25 kidnapping, robbery, arson, or burglary.

26 2. A person who ~~knows~~ reasonably believes that a
27 ~~forcible violent felony is being or will imminently~~
28 ~~be perpetrated is justified in using, against the~~
29 ~~perpetrator, reasonable force, including deadly force~~
30 ~~against the perpetrator or perpetrators, to prevent the~~
31 ~~completion of or terminate the perpetration of that~~
32 felony.

33 Sec. _____. REPEAL. Section 707.6, Code 2011, is
34 repealed.>

35 2. By renumbering as necessary.

KENT SORENSON

RICK BERTRAND

JERRY BEHN

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BILL ANDERSON

SANDRA H. GREINER

NANCY J. BOETTGER

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RANDY FEENSTRA

BRAD ZAUN

TIM KAPUCIAN

PAT WARD



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House File 2465

S-5253

1 Amend the amendment, S-5236, to House File 2465,
2 as amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 39, lines 18 through 26, by striking <The
5 state percent of growth for each subsequent budget year
6 shall be established by statute which shall be enacted
7 within thirty days of the submission in the year
8 preceding the base year of the governor's budget under
9 section 8.21. The establishment of the state percent
10 of growth for a budget year shall be the only subject
11 matter of the bill which enacts the state percent of
12 growth for a budget year.> and inserting <The state
13 percent of growth for each subsequent budget year shall
14 be established by statute which shall be enacted within
15 thirty days of the submission in the year preceding
16 the base year of the governor's budget under section
17 8.21. The establishment of the state percent of growth
18 for a budget year shall be the only subject matter of
19 the bill which enacts the state percent of growth for
20 a budget year.>

21 2. Page 39, lines 35 through 44, by striking <The
22 categorical state percent of growth for each budget
23 year shall be established by statute which shall
24 be enacted within thirty days of the submission in
25 the year preceding the base year of the governor's
26 budget under section 8.21. The establishment of
27 the categorical state percent of growth for a budget
28 year shall be the only subject matter of the bill
29 which enacts the categorical state percent of growth
30 for a budget year.> and inserting <The categorical
31 state percent of growth for each budget year shall be
32 established by statute which shall be enacted within
33 thirty days of the submission in the year preceding the
34 base year of the governor's budget under section 8.21.
35 The establishment of the categorical state percent of
36 growth for a budget year shall be the only subject
37 matter of the bill which enacts the categorical state
38 percent of growth for a budget year.>

39 3. By renumbering as necessary.

MARK CHELGREN

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House File 2465

S-5254

1 Amend the amendment, S-5236, to House File 2465,
2 as amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 52, after line 26 by inserting:
5 <Sec. _____. Section 162.2, subsection 27, Code 2011,
6 is amended to read as follows:
7 27. "*Vertebrate animal*" means those vertebrate
8 animals other than members of the equine, bovine,
9 caprine, ovine, and or porcine species, and ostriches,
10 rheas, or emus, farm deer as defined in section 170.1,
11 or poultry.>
12 2. By renumbering as necessary.

DR. JOE M. SENG

ROBERT E. DVORSKY



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Senate File 2343 - Introduced

SENATE FILE 2343
BY GRONSTAL and BEHN

A BILL FOR

1 An Act making changes to the controlled substance schedules,
2 applying penalties, and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2343

1 DIVISION I
2 RECLASSIFICATION OF SUBSTANCES AND CONTROLLED SUBSTANCES
3 Section 1. Section 124.204, subsection 9, Code Supplement
4 2011, is amended by striking the subsection.
5 Sec. 2. Section 124.206, subsection 6, Code 2011, is amended
6 by adding the following new paragraph:
7 NEW PARAGRAPH. *c.* Immediate precursor to fentanyl:
8 4-anilino-N-phenethyl-4-piperidine (ANPP).
9 Sec. 3. Section 124.208, subsection 6, Code 2011, is amended
10 by adding the following new paragraphs:
11 NEW PARAGRAPH. *bh.* Boldione
12 (androsta-1,4-diene-3,17-dione).
13 NEW PARAGRAPH. *bi.* Desoxymethyltestosterone
14 (17[alpha]-methyl-5[alpha]-androst-2-en-17[beta]-ol);
15 also known as madol.
16 NEW PARAGRAPH. *bj.* 19-nor-4,9(10)-androstadienedione
17 (estra-4,9(10)diene-3,17-dione).
18 Sec. 4. Section 124.210, subsection 3, Code 2011, is amended
19 by adding the following new paragraph:
20 NEW PARAGRAPH. *oe.* Carisoprodol.
21 Sec. 5. Section 124.212, subsection 5, Code 2011, is amended
22 by adding the following new paragraph:
23 NEW PARAGRAPH. *oa.* Ezogabine
24 [N-[2-amino-4(4-fluorobenzylamino)-phenyl]carbamic acid ethyl
25 ester].
26 Sec. 6. Section 124B.2, subsection 1, Code 2011, is amended
27 by adding the following new paragraph:
28 NEW PARAGRAPH. *aa.* Ergocristine and its salts.

29 DIVISION II
30 SCHEDULE I CONTROLLED SUBSTANCES
31 Sec. 7. Section 124.201, subsection 4, Code 2011, is amended
32 to read as follows:
33 4. If any new substance is designated as a controlled
34 substance under federal law and notice of the designation is
35 given to the board, the board shall similarly designate as

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1 controlled the new substance under this chapter after the
2 expiration of thirty days from publication in the Federal
3 Register of a final order designating a new substance as a
4 controlled substance, unless within that thirty-day period
5 the board objects to the new designation. In that case the
6 board shall publish the reasons for objection and afford
7 all interested parties an opportunity to be heard. At
8 the conclusion of the hearing the board shall announce its
9 decision. Upon publication of objection to a new substance
10 being designated as a controlled substance under this chapter
11 by the board, control under this chapter is stayed until the
12 board publishes its decision. If a substance is designated
13 as controlled by the board under this paragraph subsection
14 the control shall be temporary and if within sixty days after
15 the next regular session of the general assembly convenes it
16 has not made the corresponding changes in this chapter, the
17 temporary designation of control of the substance by the board
18 shall be nullified.

19 Sec. 8. Section 124.204, subsection 4, paragraph ai, Code
20 Supplement 2011, is amended by striking the paragraph and
21 inserting in lieu thereof the following:

22 *ai.* (1) Salvia divinorum.

23 (2) Salvinorin A.

24 (3) HU-210. [(6aR,10aR)-9-(hydroxymethyl)-6,6-
25 dimethyl-3-(2-methyloctan-2-yl) 6a,7,10,10a-tetrahydrobenzo[c]
26 chromen-1-ol)].

27 (4) HU-211(dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-
28 dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]
29 chromen-1-ol).

30 (5) Unless specifically exempted or unless listed in
31 another schedule, any material, compound, mixture, or
32 preparation which contains any quantity of cannabimimetic
33 agents, or which contains their salts, isomers, and salts of
34 isomers whenever the existence of such salts, isomers, and
35 salts of isomers is possible within the specific chemical

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1 designation.

2 (a) The term "*cannabimimetic agents*" means any substance
3 that is a cannabinoid receptor type 1 (CB1 receptor) agonist as
4 demonstrated by binding studies and functional assays within
5 any of the following structural classes:

6 (i) 2-(3-hydroxycyclohexyl)phenol with substitution at the
7 5-position of the phenolic ring by alkyl or alkenyl, whether or
8 not substituted on the cyclohexyl ring to any extent.

9 (ii) 3-(1-naphthoyl)indole or 3-(1-naphthylmethane)indole
10 by substitution at the nitrogen atom of the indole ring,
11 whether or not further substituted on the indole ring to any
12 extent, whether or not substituted on the naphthoyl or naphthyl
13 ring to any extent.

14 (iii) 3-(1-naphthoyl)pyrrole by substitution at the
15 nitrogen atom of the pyrrole ring, whether or not further
16 substituted in the pyrrole ring to any extent, whether or not
17 substituted on the naphthoyl ring to any extent.

18 (iv) 1-(1-naphthylmethylene)indene by substitution of
19 the 3-position of the indene ring, whether or not further
20 substituted in the indene ring to any extent, whether or not
21 substituted on the naphthyl ring to any extent.

22 (v) 3-phenylacetylindole or 3-benzoylindole by substitution
23 at the nitrogen atom of the indole ring, whether or not further
24 substituted in the indole ring to any extent, whether or not
25 substituted on the phenyl ring to any extent.

26 (b) Such terms include:

27 (i) CP 47,497 and homologues 5-(1,1-dimethylheptyl)-
28 2-[(1R,3S)-3-hydroxycyclohexyl]phenol.

29 (ii) JWH-018 and AM678 1-Pentyl-3-(1-naphthoyl)indole.

30 (iii) JWH-073 1-Butyl-3-(1-naphthoyl)indole.

31 (iv) JWH-200[1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl]-1-
32 naphthalenyl-methanone.

33 (v) JWH-19 1-hexyl-3-(1-naphthoyl)indole.

34 (vi) JWH-81 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole.

35 (vii) JWH-122 1-pentyl-3-(4-methyl-1-naphthoyl)indole.

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1 (viii) JWH-250 1-pentyl-3-
2 (2-methoxyphenylacetyl)indole.
3 (ix) RCS-4 and SR-19 1-pentyl-3-[(4-methoxy)-benzoyl]indole.
4 (x) RCS-8 and SR 18 1-cyclohexylethyl-3-
5 (2-methoxyphenylacetyl)indole.
6 (xi) AM2201 1-(5-fluoropentyl)-3-(1-naphthoyl)indole.
7 (xii) JWH-203 1-pentyl-3-(2-chlorophenylacetyl)indole.
8 (xiii) JWH-398 1-pentyl-3-(4-chloro-1-naphthoyl)indole.
9 (xiv) AM694 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole.
10 (xv) Cannabicyclohexanol or CP-47,497 C8-homolog
11 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol.
12 Sec. 9. Section 124.204, subsection 6, Code Supplement
13 2011, is amended by adding the following new paragraph:
14 NEW PARAGRAPH. *i.* Any substance, compound, mixture or
15 preparation which contains any quantity of any synthetic
16 cathinone that is not approved as a pharmaceutical, including
17 but not limited to the following:
18 (1) Mephedrone, also known as 4-methylmethcathinone,(RS)-2-
19 methylamino-1-(4-methylphenyl) propan-1-one.
20 (2) 3,4-methylenedioxyprovalerone
21 (MDPV)[(1-(1,3- Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-
22 1-pentanone].
23 (3) Methylone, also known as
24 3,4-methylenedioxyethcathinone.
25 (4) Naphthylpyrovalerone (naphyrone).
26 (5) 4-fluoromethcathinone(flephedrone) or a positional
27 isomer of 4-fluoromethcathinone.
28 (6) 4-methoxymethcathinone (methedrone;Bk-PMMA).
29 (7) Ethcathinone.
30 (8) 3,4-methylenedioxyethcathinone(ethylone).
31 (9) Beta-keto-N-methyl-3,4-benzodioxolybutanamine
32 (butylone).
33 (10) N,N-dimethylcathinone(metamfepramone).
34 (11) Alpha-pyrrolidinopropiophenone (alpha-PPP).
35 (12) 4-methoxy-alpha-pyrrolidinopropiophenone (MOPPP).

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1 (13) 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone
2 (MDPPP).
3 (14) Alpha-pyrrolidinovalerophenone (alpha-PVP).
4 (15) 6,7-dihydro-5H-indeno-
5 (5,6-d)-1,3-dioxol-6-amine) (MDAI).
6 (16) 3-fluoromethcathinone.
7 (17) 4'-Methyl-alpha-pyrrolidinobutiophenone (MPBP).
8 (18) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).
9 (19) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).
10 (20) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).
11 (21) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).
12 (22) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine
13 (2C-T-2).
14 (23) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine
15 (2C-T-4).
16 (24) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).
17 (25) 2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C-N).
18 (26) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).
19 Sec. 10. Section 124.401, subsection 1, paragraph d, Code
20 Supplement 2011, is amended to read as follows:
21 d. Violation of this subsection, with respect to any other
22 controlled substances, counterfeit substances, or simulated
23 controlled substances classified in section 124.204, subsection
24 4, paragraph "ai", section 124.204, subsection 6, paragraph "i",
25 or classified in schedule IV or V is an aggravated misdemeanor.
26 However, violation of this subsection involving fifty kilograms
27 or less of marijuana or involving flunitrazepam is a class "D"
28 felony.
29 Sec. 11. EFFECTIVE UPON ENACTMENT. This division of this
30 Act, being deemed of immediate importance, takes effect upon
31 enactment.

32 EXPLANATION

33 This bill makes changes to the controlled substance
34 schedules.

35 DIVISION I. The bill removes two controlled substances

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1 (benzylfentanyl and thenylfentanyl) from the schedule I
2 classification of controlled substances to conform with action
3 undertaken by the federal drug enforcement administration.

4 The bill classifies ANPP, a precursor substance for
5 fentanyl, as a schedule II controlled substance.

6 The bill classifies three anabolic steroids as schedule III
7 controlled substances.

8 The bill classifies the depressant carisoprodol also
9 known as "soma" as a schedule IV controlled substance to
10 conform with action undertaken by the federal drug enforcement
11 administration.

12 The bill classifies the depressant ezogabine as a schedule V
13 controlled substance to conform with action undertaken by the
14 federal drug enforcement administration. The drug is used to
15 treat epilepsy.

16 The bill classifies ergocristine and its salts as a
17 precursor substance for lysergic acid diethylamide (LSD).
18 The classification results in new control and reporting
19 requirements.

20 It is a class "C" felony pursuant to Code section
21 124.401(1)(c)(8), for any unauthorized person to violate a
22 provision of Code section 124.401, involving a classified
23 substance placed on schedule I, II, or III pursuant to the
24 bill. A class "C" felony for this particular offense is
25 punishable by confinement for no more than 10 years and a fine
26 of at least \$1,000 but not more than \$50,000.

27 If a person possesses a controlled substance in violation of
28 Code section 124.401(5) as a first offense, the person commits
29 a serious misdemeanor. A serious misdemeanor is punishable by
30 confinement for no more than one year and a fine of at least
31 \$315 but not more than \$1,875.

32 DIVISION II. The bill adds numerous synthetic cannabinoids,
33 also known as "K2", to the list of schedule I controlled
34 substances in Code section 124.204(4)(ai).

35 The bill also adds numerous substances containing any

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1 quantity of any synthetic cathinone that are not approved
2 pharmaceuticals to the list of schedule I controlled substances
3 in Code section 124.204(6).

4 A schedule I controlled substance is considered to have a
5 high potential for abuse and no medical purpose in treatment in
6 the United States or lacks accepted safety standards for use
7 in treatment.

8 Under the bill, it is an aggravated misdemeanor pursuant
9 to Code section 124.401(1)(d) for any unauthorized person to
10 manufacture, deliver, or possess with the intent to manufacture
11 or deliver a synthetic cannabinoid classified as a schedule I
12 controlled substance in Code section 124.204(4)(ai) including
13 its counterfeit or simulated form, or to act with, enter into
14 a common scheme or design with, or conspire with one or more
15 persons to manufacture, deliver, or possess with the intent to
16 manufacture or deliver such a schedule I controlled substance.

17 It is also an aggravated misdemeanor pursuant to Code
18 section 124.401(1)(d) under the bill for any unauthorized
19 person to manufacture, deliver, or possess with the intent to
20 manufacture or deliver a synthetic cathinone classified as a
21 schedule I controlled substance in Code section 124.204(6)(i)
22 including its counterfeit or simulated form, or to act with,
23 enter into a common scheme or design with, or conspire with one
24 or more persons to manufacture, deliver, or possess with the
25 intent to manufacture or deliver such a schedule I controlled
26 substance.

27 It is a serious misdemeanor for a first offense violation of
28 Code section 124.401(5) for any unauthorized person to possess
29 a controlled substance classified as a schedule I controlled
30 substance.

31 An aggravated misdemeanor is punishable by confinement for
32 no more than two years and a fine of at least \$625 but not
33 more than \$6,250. A serious misdemeanor is punishable by
34 confinement for no more than one year and a fine of at least
35 \$315 but not more than \$1,875.

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1 Division II takes effect upon enactment.